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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1875

03/05/2025 Authored by Engen, Duran, Stier and Allen
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

A bill for an act

relating to consumer protection; regulating the use of social media for minors ages 15 and younger; requiring anonymous age verification for websites harmful to minors; proposing coding for new law in Minnesota Statutes, chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325F.6947] SOCIAL MEDIA; USE BY MINORS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Account holder" means a resident who opens an account or creates a profile or is identified by the social media platform by a unique identifier while using or accessing a social media platform when the social media platform knows or has reason to believe the resident is located in this state.

(c) "Daily active users" means the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous 12 months or, if the online forum, website, or application did not exist during the previous 12 months, the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous month.

(d) "Resident" means a person who lives in this state for more than six months of the year.

(e) "Social media platform" means an online forum, website, or application that satisfies each of the following criteria:

(1) allows users to upload content or view the content or activity of other users;

(2) ten percent or more of the daily active users who are younger than 16 years of age spend on average two hours per day or longer on the online forum, website, or application on the days when using the online forum, website, or application during the previous 12 months or, if the online forum, website, or application did not exist during the previous 12 months, during the previous month;

(3) employs algorithms that analyze user data or information on users to select content for users; and

(4) has any of the following addictive features:

(i) infinite scrolling, which means either continuously loading content or content that loads as the user scrolls down the page without the need to open a separate page, or seamless content or the use of pages with no visible or apparent end or page breaks;

(ii) push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account;

(iii) personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content;

(iv) autoplay video or video that begins to play without the user first clicking on the video or on a play button for that video; or

(v) live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.

The term social media platform does not include an online service, website, or application where the exclusive function is email or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients without displaying or posting publicly or sharing with users not specifically identified as the recipients by the sender.

Subd. 2. **Requirements; minors younger than 14 years of age and social media.** (a) A social media platform must prohibit a minor who is younger than 14 years of age from entering into a contract with a social media platform to become an account holder. A social media company must terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute the termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

(b) A social media platform must allow an account holder younger than 14 years of age to request to terminate the account, and termination must be effective within five business days after the request. A social media company must also allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated, and termination must be effective within ten business days after the request.

(c) The social media platform must permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain the information.

Subd. 3. **Requirements; minors 14 and 15 years of age.** (a) A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder. A social media platform must terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform must provide 90 days for an account holder to dispute the termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.

(b) A social media platform must allow an account holder who is 14 or 15 years of age to request to terminate the account, and termination must be effective within five business days after the request. A social media platform must allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated, and termination must be effective within ten business days after the request.

(c) A social media platform must permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain the information.

Subd. 4. **Enforcement; penalties.** (a) Any knowing or reckless violation of this section is deemed an unfair and deceptive trade practice actionable under this chapter by the attorney general, and the attorney general may bring an action against a social media platform for an unfair or deceptive act or practice. In addition to other remedies available under section 8.31, the attorney general may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs. When the social media platform's failure to comply

with this section is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform consistent with section 549.20.

(b) If, by its own inquiry or as a result of complaints, the attorney general has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates this section, the attorney general may investigate using all available remedies under the law.

Subd. 5. **Enforcement; damages to minor account holder.** A social media platform that knowingly or recklessly violates this section is liable to the minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. A civil action for a claim under this subdivision must be brought within one year from the date the complainant knew, or reasonably should have known, of the alleged violation. An action brought under this subdivision may only be brought on behalf of a minor account holder.

Subd. 6. **Jurisdiction; social media platform contracts.** (a) For purposes of bringing an action under this section, a social media platform that allows a minor account holder younger than 14 years of age or a minor account holder who is 14 or 15 years of age to create an account on the platform is considered to be both engaged in substantial activities within this state and operating, conducting, engaging in, or carrying on a business and doing business in this state, and is subject to the jurisdiction of the courts of this state.

(b) For the purposes of this section, when a social media platform allows an account holder to use the social media platform, the account holder, regardless of age, and the social media platform have entered into a contract.

Subd. 7. **Other available remedies.** This section does not preclude any other available remedy at law or equity.

EFFECTIVE DATE. This section is effective August 1, 2025, and applies to causes of action accruing on or after that date.

Sec. 2. **[325F.6948] SOCIAL MEDIA; AGE VERIFICATION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Anonymous age verification" means a commercially reasonable method used by a government agency or a business for the purpose of age verification which is conducted by a nongovernmental, independent third-party organization that is located in the United States

and not controlled by a foreign country, the government of a foreign country, or any other entity formed in a foreign country.

(c) "Commercial entity" includes a corporation, a limited liability company, a partnership, a limited partnership, a sole proprietorship, and any other legally recognized entity.

(d) "Disseminates" has the meaning given in section 604.30 for dissemination.

(e) "Material harmful to minors" means any material that the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest and depicts or describes, in a patently offensive way, sexual conduct that when taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(f) "News-gathering organization" means any newspaper, news publication, or news source printed or published online or on a mobile platform that reports current news and matters of public interest. News-gathering organization includes but is not limited to a radio broadcast station, television broadcast station, and cable television operator.

(g) "Publish" means to communicate or make information available to another person or entity on a publicly available website or application.

(h) "Resident" means a person who lives in this state for more than six months of the year.

(i) "Substantial portion" means more than 33.3 percent of total material on a website or application.

Subd. 2. **Publishing material harmful to minors; age verification requirements.** (a) A commercial entity that knowingly and intentionally publishes or disseminates material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors, must use anonymous age verification to verify that the age of a person attempting to access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age.

(b) A commercial entity must ensure that the requirements of subdivision 7 are met.

Subd. 3. **Exceptions for news and Internet service providers.** (a) This section does not apply to any bona fide news or public interest broadcast, website video, or report and does not affect the rights of a news-gathering organization.

(b) An Internet service provider or its affiliates or subsidiaries, a search engine, or a cloud service provider does not violate this section solely for providing access or connection to or from a website or other information or content on the Internet or a facility, system, or

network not under the provider's control, including transmission, downloading, intermediate storage, or access software, to the extent the provider is not responsible for the creation of the content of the communication which constitutes material harmful to minors.

Subd. 4. **Remedies; attorney general enforcement.** (a) A violation of subdivision 2 is deemed an unfair and deceptive trade practice actionable under this chapter, and an action by the attorney general may be brought on behalf of a resident minor against a commercial entity. If the attorney general has reason to believe that a commercial entity is in violation of this section, the attorney general may bring an action against the commercial entity for an unfair or deceptive act or practice. In addition to any other remedy available, the attorney general may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs. When the commercial entity's failure to comply with this section is a consistent pattern of conduct of the commercial entity, punitive damages may be assessed against the commercial entity consistent with section 549.20.

(b) A violation of subdivision 7 by a third party that performs age verification for a commercial entity is deemed an unfair and deceptive trade practice actionable under this chapter, and the attorney general, as the enforcing authority, may bring an action against the third party for an unfair or deceptive act or practice. In addition to other remedies available, the attorney general may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs.

Subd. 5. **Remedies for minors.** A commercial entity that violates subdivision 2 for failing to prohibit access or prohibit a minor from future access to material harmful to minors after a report of unauthorized or unlawful access is liable to the minor for the access, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. A civil action for a claim under this paragraph must be brought within one year from the date the complainant knew, or reasonably should have known, of the alleged violation. An action under this subdivision may only be brought on behalf of or by a resident minor. For purposes of bringing an action under this subdivision, a commercial entity that publishes or disseminates material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors and the website or application is available to be accessed in this state, is considered to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business and doing business in this state, and is subject to the jurisdiction of the courts of this state.

Subd. 6. **Other available remedies.** This section does not preclude any other available remedy at law or equity.

Subd. 7. **Anonymous age verification.** A third party conducting anonymous age verification pursuant to this section:

(1) may not retain personal identifying information used to verify age once the age of an account holder or a person seeking an account has been verified;

(2) may not use personal identifying information used to verify age for any other purpose;

(3) must keep anonymous any personal identifying information used to verify age, and the information may not be shared or otherwise communicated to any person; and

(4) must protect personal identifying information used to verify age from unauthorized or illegal access, destruction, use, modification, or disclosure through reasonable security procedures and practices appropriate to the nature of the personal information.

EFFECTIVE DATE. This section is effective August 1, 2025, and applies to causes of action accruing on or after that date.